

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HANNIBAL ABDULLAH-EL,

Plaintiff,

v.

BON APPETIT,

Defendant.

CASE NO. C15-1946JLR

ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

Before the court is Plaintiff Hannibal Abdullah-El's motion for summary judgment. (MSJ (Dkt. # 7).) For the reasons set forth below, the court DENIES the motion.

To begin, Plaintiff's motion is premature. Defendant Bon Appetit has not been served. (*See* Dkt.; Mot. for Service (Dkt. # 10) (requesting that the court order the United States Marshals Service to serve Defendant).) Even if Plaintiff's motion were meritorious, the court would not grant summary judgment against Defendant when Defendant has had no opportunity to appear and respond to the motion.

1 In addition, Plaintiff has not established his entitlement to summary judgment. As
2 Plaintiff notes, a party seeking summary judgment on an issue on which that party bears
3 the burden of proof must show that the material facts are not genuinely disputed “by
4 citing to particular parts of materials in the record.” Fed. R. Civ. P. 56(c)(1)(A); (MSJ at
5 2.) The motion, however, contains no specific citations but rather argues that summary
6 judgment is appropriate based on “[a] review of the complaint with factual exhibits
7 contained therein.”¹ (MSJ at 2.) The court will not scour the record or entire documents
8 in the record in search of evidence to support a motion. *See United States v. Dunkel*, 927
9 F.2d 955, 956 (7th Cir. 1991) (“Judges are not like pigs, hunting for truffles buried in
10 briefs.”). Furthermore, Plaintiff admits that he is not entitled to summary judgment, as he
11 states that “issues of material fact exist.” (MSJ at 2.) Summary judgment is appropriate
12 only where no issues of material fact exist. Fed. R. Civ. P. 56(a) (“The court shall grant
13 summary judgment if the movant shows that there is no genuine dispute as to any
14 material fact and the movant is entitled to judgment as a matter of law.”).

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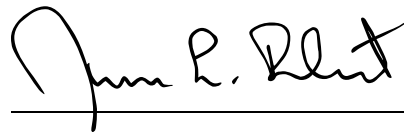
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20 ¹ The motion also does not describe any facts or explain why Plaintiff’s claims are
21 meritorious. Instead, the motion consists of a recitation of legal principles followed by a short
22 paragraph in which Plaintiff states that he is entitled to summary judgment, notes that he is
seeking \$120,000.00 in damages under several federal statutes, and requests that the court enter
an order granting his request for summary judgment. (*See MSJ.*) Plaintiff’s motion thus falls far
short of demonstrating that Plaintiff is entitled to summary judgment.

1 For the foregoing reasons, the court DENIES Plaintiff's motion for summary
2 judgment (Dkt. # 7).

3 Dated this 20th day of January, 2016.

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6 JAMES L. ROBART
7 United States District Judge
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